

REMARKSExaminer Interview Summary

Applicants gratefully acknowledge the Interview granted by the Examiner and attended by the undersigned in the Examiner's office on June 26, 2003. While the Examiner prepared an Interview Summary, he did not indicate that it was not necessary for Applicants to provide a separate record of the substance of the interview; therefore, the interview is further commented upon herein.

Several issues were discussed at the interview, which are commented upon in more detail in the Remarks below under the headings for the various issues. Those included:

- The rejection under 35 U.S.C. § 112, first paragraph, which the Examiner explained as resulting from an interpretation of claim 40 which could possibly read on an "isolated" chromosome separated to some degree from the rest of the cell by manual manipulation under a microscope, as well as language in the specification which might be included in the claims to clarify the intended scope of the claims.
- Whether this possible issue is one that supervisors in Technology Center 1600 have considered to be of any concern with respect to patent scope, and whether the requirements made are in conformity with currently policies of TC 1600; the Examiner agreed to discuss this language with his supervisor(s).
- The possibility that the Examiner would consider extending examination to the withdrawn claims, including polypeptide and antibody claims, in addition to claims to methods of making and using the elected polynucleotides which should be rejoined as a matter of right upon allowance of a product claim per the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai*, *In re Brouwer* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of a product claim, for rejoinder of process claims covering the same scope of products. The Examiner agreed that he would consider doing so.
- The newly issued patent (6,518,046) to Human Genome Sciences that contains claims that may interfere with Applicants' claims to PANEC-2.

Interview Summary OK
11-21-03, AM